

REMARKS

Claims 1-10 are now pending in this application. Claims 1 and 6-10 are currently amended; claims 11-14 are withdrawn. The following remarks are in response to the Office Action mailed September 26, 2003.

The Office Action states that claims 6-10 would be allowable if re-written to incorporate the limitations of claim 1. Claims 6-10 have been amended to incorporate the limitations of claim 1 and each of the various limitations of the dependent claims. These claims are now in condition for allowance.

Claims 1-5 are rejected in the Office Action under 35 U.S.C. § 103 as unpatentable over U.S. Pat. No. 6,012,042, to Black et al. (“Black”) in view of U.S. Pat. No. 5,444,819, to Negishi. This rejection is respectfully traversed.

The Office Action asserts that Black discloses, at Col. 4, a data processor “capable of generating said non-linear relationship.” However, nothing at Col. 4 reflects such a disclosure. In fact, a close inspection of Black, at Col. 3, lines 44 to Col. 4, line 33, reflects an entirely different objective accomplished by a different system architecture. Specifically, as shown in Fig. 1, Black is directed to combining daily price data with other non-uniform historical data – and using this combined data as a vehicle for security assessment. Because Black addresses a fundamentally different issue, it does not provide the requisite teaching.

Further, the Office Action ignores the claim 1 limitation of the non-linear relationship having a smooth, curvilinear characteristic for a range of data within the interval. The Office Action does not assert that this limitation is present in either Black or Negishi. As a consequence, the rejection of claim 1 over the unlikely combination of Black and Negishi is intrinsically improper, since the combination would still be missing at least that limitation.

Additionally, the Office Action asserts that Negishi discloses a pattern recognition processor. In fact, Negishi discloses a pattern sorting unit, and does not mention a pattern recognition processor. If the Patent Office is asserting that the two are the same, explanation for that assertion is respectfully requested. Absent explanation, the assertion that Negishi discloses a pattern recognition processor is unsupported, and therefore should be withdrawn.

In any event, claim 1 requires a particular type of pattern recognition processor: a processor for applying the smoothed non-linear relationship to discern the existence of one or more patterns of price-time data. The Office Action does not allege that Black or Negishi,

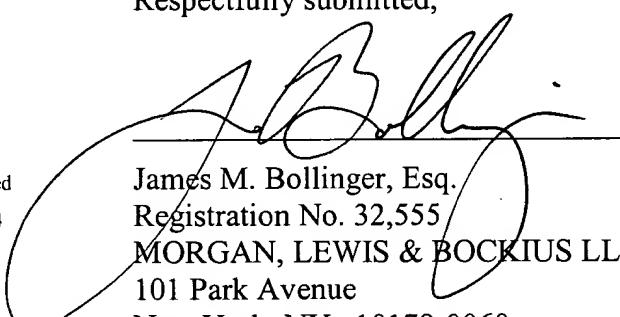
either alone or in combination, discloses this element of claim 1. This deficiency in the rejection of claim 1, in addition to the other above-mentioned deficiencies, renders the rejection of claim 1 improper.

For at least the above reasons, the rejection of claim 1 over Black and Negishi is improper and should be withdrawn. Since claims 2-5 depend from claim 1, the rejection of those claims is likewise improper and should be withdrawn.

All claim rejections are believed to have been overcome by this Response. All pending claims are therefore believed to be allowable, and a prompt Notice of Allowance would be appreciated.

Enclosed herewith is a petition and fee for a one month extension of time within which to respond to the instant Office Action. Please charge any insufficiency in the fee to Deposit Account No. 50-0310.

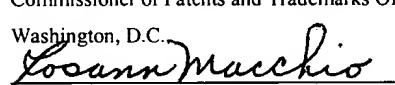
Respectfully submitted,



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Dated: January 26, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service on January 26, 2004 as First Class Mail in an envelope addressed to:
Commissioner of Patents and Trademarks Office,
Washington, D.C.



Rosann Macchio

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